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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,740	05/04/2001	Paolo M.B. Tiramani	0103100027143	9980

7590

11/12/2003

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EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/849,740

Applicant(s)

TIRAMANI ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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### **Status of Application**

1. Applicant's amendment, filed Aug. 22, 2003, has been entered in the application. Claims 34-45 remain pending.

### **Claim Objections**

2. Claim 39 is objected to because of the following informality: in line 2, "(I)" should be --(i)-- for consistency. Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

3. The pertinent portions of 35 USC 102 may be found in a previous office action.
4. Claims 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US 5,983,614, filed 12/1997). Hancock et al. teach a caster for a frame portion (30) including a caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis, the wheel and caster being capable of free swiveling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface, the wheel assembly being movable in a longitudinal direction (e.g., of the frame or vehicle) to the breadth claimed, from positions where it is capable of swiveling to other positions where it is not capable of swiveling; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the pin operating essentially as a cam follower, the frame including a biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots.

### **Claim Rejections - 35 USC § 103**

5. The pertinent portions of 35 USC 103 may be found in a previous office action.
6. Claims 34-39, 44 and 45 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. (US 5,983,614). Hancock et al. teach a caster for a frame portion (30) including a caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis,

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the wheel and caster being capable of free swiveling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; the wheel assembly being movable in a longitudinal direction (e.g., of the frame or vehicle) to the breadth claimed, from positions where it is capable of swiveling to other positions where it is not capable of swiveling; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the pin operating essentially as a cam follower, the frame including a biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots, the wheel frame occupying less space than a wheel and caster frame of larger size, but which lack the frame elements, as best understood. The reference of Hancock et al. fails to specifically teach the frame portion as being retractable. It is, however very well known to construct pivotable frame portions having ground engaging wheels, such that the frame portions may pivot to a non-use position, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the caster assembly taught by Hancock et al. with a retractable frame portion for the purpose of allowing the frame to be easily stored.

### **Response to Comments**

7. Applicant's comments, filed with the amendment, have been carefully considered. As regards the capability of the reference to Hancock as being capable of longitudinal motion associated with changing from a condition where the wheel assembly may swivel to one where the wheel assembly may not swivel, the reference is capable of performing such motion (for example as characterized by a switching from a swiveling to non-swiveling mode as the wheel assembly or vehicle frame is moving in a longitudinal direction) to the specificity currently set forth in the claim recitation.

### **Conclusion**

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



11/12/23